

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 31, 2005**

DIVISION ONE

B172190      State of California                      (Certified for Publication)  
                 v.  
                 Bank of America Corporation et al.

We affirm the judgment (order of dismissal). Defendants are awarded their costs on appeal.

Suzukawa, J. (Assigned)

We concur:    Spencer, P.J.  
                 Mallano, J.

B173045      People    (Not for Publication)  
                 v.  
                 Cornelius Wesley Price

The judgment is reversed with respect to count 1 and affirmed with respect to counts 2 and 3, and the matter is remanded for resentencing.

Mallano, Acting P.J.

I concur:            Suzukawa, J. (Assigned)  
I concur in the judgment:    Vogel (Miriam A.), J.

January 31, 2005 (Continued)

## DIVISION ONE (Continued)

B172331      People      (Not for Publication)  
v.  
Zelray M. Sims

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Suzukawa, J. (Assigned)

B172895 People (Not for Publication)  
v.  
Francisco J. Novoa

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Suzukawa, J. (Assigned)

B168977 People (Not for Publication)  
v.  
Young

The true finding on count 1 pursuant to Penal Code section 190.2, subdivision (a) (3) is stricken. The abstract of judgment is to be corrected to reflect a sentence on count 3 (attempted premeditated murder) of life with the possibility of parole and to reflect that concurrent sentences were imposed on the attempted robbery convictions in counts 6, 7, 8, and 9. The trial court is ordered to forward a copy of the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Mallano, Acting P.J.

I concur: Suzukawa, J. (Assigned)  
I concur in judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B179112      A. B.      (Not for Publication)

v.

Superior Court, Los Angeles County  
(Department of Children & Family Services, r.p.i.)

A.B.'s writ petition pursuant to California Rules of Court, rule 39.1B is granted. Let a peremptory writ of mandate issue directing the juvenile court to vacate its October 27, 2004 order denying him presumed father status, denying him reunification services and setting a Welfare and Institutions Code section 366.26 hearing, and to vacate the section 366.26 hearing date of February 23, 2005.

Mallano, Acting P.J.

We concur:    Vogel (Miriam A.), J.  
                      Suzukawa, J. (Assigned)

B173852      Berger      (Not for Publication)

v.

Khan  
Law Offices of Gene W. Choe

The appeal is dismissed. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur:    Mallano, J.  
                      Suzukawa, J. (Assigned)

B173587      People      (Not for Publication)

v.

Michael Woolen

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur:    Spencer, P.J.  
                      Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B170134      Worden et al.                      (Not for Publication)  
                 v.  
                 Yingling et al.

The order is reversed and the matter is remanded to the superior court to reinstate plaintiffs' complaint. Plaintiffs are awarded their costs on appeal.

Spencer, P.J.

We concur:   Mallano, J.  
                 Suzukawa, J. (Assigned)

B159728      NEI Direct, Inc.                      (Not for Publication)  
                 v.  
                 First USA Bank et al.

The judgment is affirmed. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur:   Mallano, J.  
                 Suzukawa, J. (Assigned)

DIVISION THREE

B161902      Central Valley General Hospital, etc.      (Not for Publication)  
                 v.  
                 Bonta

The judgment of the trial court is affirmed. Each party to bear their own costs.

Aldrich, J.

We concur:   Klein, P.J.  
                 Kitching, J.

DIVISION THREE (Continued)

B166179      American Federation of State, County      (Certified for Publication)  
                 and Municipal Employees, Local 1902, AFL-CIO

v.

Metropolitan Water District of Southern California

The orders that denied the petition to compel arbitration (Code Civ. Proc., 1281.2), and denied the petition for writ of mandate (1085), and that awarded cost-of-proof fees (2033, subd. (o)) are affirmed. The MWD is awarded costs on appeal.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                         Kitching, J.

B170945      People      (Not for Publication)

v.

Campos

The judgment is affirmed.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                         Kitching, J.

B171868      People      (Not for Publication)

v.

Sanchez

The judgment is affirmed.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                         Kitching, J.

January 31, 2005 (Continued)

DIVISION FIVE

Court convened at 9:05 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B174518      People v. McMurray

Argument waived, cause submitted.

B170364      James Mitchell  
v.  
United National Insurance Co.

Merits:

Argued by James C. Nielsen for respondent. Appellant's counsel telephoned to waive argument. Cause submitted.

Court recessed at 9:45 a.m.

Court reconvened at 9:55 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B175894      People v. Eaton

Argument waived, cause submitted.

B170186      The People  
v.  
Ranger Insurance Company

Merits:

Argued by Alan Nunez for appellant and by Ruben Baeza, deputy county counsel, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B173530     Steven Bench  
              v.  
              City of Monrovia

Merits:

Argued by Susan A. Beytin for appellant and by Robert J. Gokoo for respondent. Cause submitted.

Court recessed at 10:35 a.m.

Court reconvened at 11:05 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. (Assigned) and J. Belcher, Deputy Clerk.

Each of the following:

B177405 People v. Parks  
B174149 People v. Medford  
B175258 People v. Armstrong  
B173862 People v. Jensen  
B178093 DCFS v. Alexandra R.

Argument waived, cause submitted.

B174230     People  
              v.  
              Reyna Gomez

Merits:

Argued by Alan R. Diamante for appellant and by Michael Johnsen, deputy attorney general, for respondent. Cause submitted.

Court recessed at 11:20 a.m.

January 31, 2005 (Continued)

DIVISION FIVE (Continued)

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. (Assigned) and J. Belcher, Deputy Clerk.

Each of the following:

B176981 People v. Cross  
B174243 Flores v. Greyhound Lines Inc.

Argument waived, cause submitted.

B176545 Alliance Title Co.  
v.  
Craig Boucher

Merits:  
Argued by Kevin Fong for appellant and by Elliott R. Speiser for respondent. Cause submitted.

B173896 James Kellner  
v.  
The Quisenberry Law Firm

Merits:  
Argued by Paul M. Murphy for appellants. No appearance for respondents.  
Cause submitted.

Court adjourned at 1:45 p.m.

DIVISION EIGHT

B156790 People  
v.  
Alexander M. Hilger

Filed order vacating submission order of October 29, 2004.



We concur:   Boland, J.  
                      Flier, J.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

## DIVISION EIGHT (Continued)

B170796      Cho et al.      (Not for Publication)  
v.  
H & K Auto Sales And Leasing, Inc., et al.

The judgment is reversed, including as to Kim, who did not appeal, and the case is remanded for further proceedings that are consistent with the views expressed in this opinion. Appellants are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Boland, J.

B169510      Shapiro      (Not for Publication)  
v.  
Little Company Of Mary Hospital, Inc., et al.

The judgment is affirmed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B171493 People (Not for Publication)  
v.  
Proeung,

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

## January 31, 2005 (Continued)

## DIVISION EIGHT (Continued)

B169148 People (Not for Publication)  
v.  
Jaramillo

The judgment is reversed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B169227 People (Not for Publication)  
v.  
Rodriguez

We remand for resentencing in accordance with *Blakely*, but otherwise affirm the judgment.

Cooper, P.J.

We concur: Boland, J.  
Flier, J.

B165767 People  
v.  
Esquibel

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)